

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

v.

RAKIM BASKERVILLE,

Defendant.

Criminal No. 04-280 (FSH)

**ORDER**

September 16, 2010

This matter having come before the Court on Defendant Baskerville's "Motion for Production of Officer Snowden's Personnel File Pursuant to F.R.Crim.P. 60(b)(2)," (docket # 634); and the Court having received an opposition from the Government dated August 11, 2010; and the Court noting that on February 3, 2010, this Court issued an Opinion and Order denying Baskerville's Rule 33 motion relating to the use of Snowden's Personnel File; and the Court further noting that Defendant filed an appeal of this Order on February 16, 2010; and the Court finding that it lacks jurisdiction to reach the merits of Defendant's current motion because Defendant's appeal of this Court's February 3, 2010 Order divests this Court of jurisdiction, *see Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (a "[t]he filing of a notice of appeal is an event of jurisdictional significance- it confers jurisdiction on a court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."); and the Court therefore finding that it must deny Defendant's motion,

IT IS THEREFORE on this 16th day of September, 2010,

ORDERED that Defendant's Motion for Production of Officer Snowden's Personnel File Pursuant to F.R.Crim.P. 60(b)(2) is DENIED.

s/ Faith S. Hochberg  
Faith S. Hochberg, U.S.D.J.